Department of Consumer Affairs

Jonathan Mintz
Commissioner

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July 19, 2010

VIA EMAIL
[redacted]

RE: Warranty or Guarantee Language in a Home Improvement Contract

Dear Ms. [redacted]

I am writing on behalf of the City of New York Department of Consumer Affairs ("the Department") in reply to your email request inquiring as to your legal obligations for a warranty or guarantee in a home improvement contract. There are no specific requirements regarding whether a home improvement contract must contain a warranty or guaranty. However, the Department does have rules that cover the advertising of a warranty or guarantee by a home improvement contractor.

Pursuant to Section 2-222 (l) of the Rules of the City of New York, with respect to **advertising**, "[i]f reference is made to a guaranty or warranty or the word 'guaranteed' or 'warranted' is used, the terms, conditions, and period of time covered thereby shall be clearly and conspicuously disclosed in the advertisement. The terms shall indicate whether 'labor and material only,' 'repair,' 'replacement 'or 'full (partial) refund' is offered. Any limitations shall be disclosed in the advertisement."

Should you have further questions on offering a warranty or guaranty, you should contact an attorney, who can advise you of your legal obligations for a warranty or guarantee in a home improvement contract and aid in the drafting of the language. Please visit this website http://www.nyc.gov/html/dca/downloads/pdf/hiccontractshort.pdf to download the Department's home improvement model contract.

Sincerely,

[redacted]
Staff Counsel